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Attorney for Defendant,

MARIO CASTRO

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO CASTRO et al.,

Defendant.

Case No. 2:19-cr-00295-GMN-NJK

**STIPULATION AND ORDER
REGARDING THE LAW OF THE
CASE**

IT IS HEREBY STIPULATED AND AGREED, by and between the defendants Mario Castro, Salvador Castro, Miguel Castro, and Jose Luis Mendez, by and through their undersigned counsel, and the UNITED STATES OF AMERICA, through their undersigned counsel, (collectively, hereinafter “the parties”), who jointly stipulate and submit this request that the Court enter an Order for the following reasons:

- 1 1. A mistrial was declared on September 28, 2022. *See*, ECF No. 564.
- 2 2. All decisions on motions and stipulations are deemed the law of the case, such that
- 3 no additional stipulations and motions previously entered shall be deemed necessary
- 4 to file. *See United States v. Alexander*, 106 F.3d 874, 876 (9th Cir. 1997). Under the
- 5 "law of the case" doctrine, "a court is generally precluded from reconsidering an
- 6 issue that has already been decided by the same court, or a higher court in the
- 7 identical case." *Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir.) (cert. denied 508 U.S.
- 8 951 (1993)).

11 Dated this 9th day of March 2023

12 Respectfully submitted,

JASON M. FRIERSON
United States Attorney

13 /s/ Richard Tanasi & Joshua Tomsheck

/s/ Timothy Finley

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18 /s/ Donald Green

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Counsel for Salvador Castro

21 /s/ Lucas Gaffney

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23 LUCAS GAFFNEY, ESQ.
24 THOMAS A. ERICSSON, ESQ.
Counsel for Miguel Castro

25 /s/ William Brown

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WILLIAM H. BROWN, ESQ.
CHRISTOPHER MISHLER, ESQ.
Counsel for Jose Luis Mendez

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO CASTRO et al.,

Defendant.

Case No. 2:19-cr-00295-GMN-NJK

ORDER

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds and orders that:

1. A mistrial was declared on September 28, 2022.
2. Under the "law of the case" doctrine, "a court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case." *Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir.) (cert. denied 508 U.S. 951 (1993)).
3. All decisions on motions and stipulations are hereby deemed the law of the case, such that no additional stipulations and motions previously entered shall be deemed necessary to file. *See United States v. Alexander*, 106 F.3d 874, 876 (9th Cir. 1997).

DATED this 9 day of March 2023


UNITED STATES DISTRICT COURT JUDGE